

**DWIGHT C. HOLTON**, OSB # 09054

United States Attorney

**SEAN E. MARTIN**, OSB # 054338

sean.martin@usdoj.gov

United States Attorney's Office

District of Oregon

1000 SW Third Avenue, Suite 600

Portland, Oregon 97204-2902

Telephone: (503) 727-1010

Facsimile: (503) 727-1117

Attorneys for Defendant

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

**MARTIN TOCCI**,

**Case No. 10-1324-HZ**

Plaintiff,

v.

**SECOND DECLARATION OF  
RAYMOND A. DESMONE**

**JANET NAPOLITANO**, Secretary,  
Department of Homeland Security,

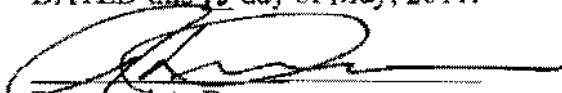
Defendant.

I, Raymond A. Desmone, declare as follows:

1. I am the Manager of the Formal Complaint Division, Office of Civil Rights and Civil Liberties, Transportation Security Administration, U.S. Department of Homeland Security. In March 2011, I filed my first declaration in this litigation.
2. Exhibits A, B, C, D, and E to my declaration are true and correct copies of documents contained in Mr. Martin Tocci's Administrative file, Case Number TSAF-05-0564, at TSA's Office of Civil Rights and Civil Liberties. These records are kept in the ordinary course of business at TSA, and I have access to these records, in my duties as division manager.
3. Exhibit A is the termination letter TSA sent to Mr. Tocci, dated April 12, 2005.
4. Exhibit B is the notes from the Informal Complaint Division showing Mr. Tocci's June 2, 2005, initial contact with TSA EEO Counselor. It is a standard practice that EEO staff make notes regarding all contacts with potential claimants, and that such notes are maintained in that individual's Administrative file.
5. Exhibit C is the Notice of Rights and Responsibilities sent by TSA on June 7, 2005, with receipt accepted by Mr. Tocci on or about June 12, 2005.
6. Exhibit D is the Notice of Right to File sent by TSA on August 19, 2005.
7. Exhibit E is the TSA EEO counselor's report, dated October 14, 2005.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 18 day of May, 2011.

  
Raymond A. Desmone

